

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:17CCR105
v.	§	Judge Mazzant
	§	
DEREK MYLAN ALLDRED	§	

**ELEMENTS OF THE OFFENSE**

The Defendant, Derek Mylan Alldred, is charged in Counts Three and Four of the Superseding Indictment with a violation of 18 U.S.C. § 1028A, Aggravated Identity Theft. The essential elements which must be proved beyond a reasonable doubt in order to establish a violation of that section are:

- First: That the Defendant knowingly transferred, possessed, or used;
- Second: Without lawful authority;
- Third: Means of identification of another person;
- Fourth: During and in relation to a felony enumerated in 18 U.S.C 1028A(c), specifically Access Device Fraud.

The Defendant, Derek Mylan Alldred, is also charged in Count Six of the Superseding Indictment of the indictment with a violation of 18 U.S.C. § 1341, Mail Fraud. The United States must prove the following essential elements beyond a reasonable doubt in order to establish a violation of section 1341:

- First: That the defendant knowingly devised or intended to devise a scheme to defraud.

Second: That the scheme to defraud employed false material representation, pretenses, and promises

Third: That the defendant mailed something or caused something to be sent or delivered through the United States Postal Service or a private or commercial carrier for the purpose of executing such scheme or attempting so to do; and,

Fourth: That the defendant acted with a specific intent to defraud.

A “scheme to defraud” means any plan, pattern or course of action intended to deprive another of money or property. It also involves any scheme to deprive a shareholders of the intangible right to honest services through soliciting or accepting bribes or kickbacks.

A “specific intent to defraud” means a conscious, knowing intent to deceive or cheat someone.

A pretense or representation is “false” if it is known to be untrue or is made with reckless indifference as to its truth or falsity. A pretense or representation would be “false” if it constitutes a half truth or effectively omits or conceals a material fact, provided it is made with the intent to defraud.

Respectfully submitted,

BRIT FEATHERSTON  
ACTING UNITED STATES ATTORNEY

/s/ William R. Tatum  
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**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing was electronically filed and defendant's counsel electronically notified, on this the 16th day of November, 2017.

/s/ William R. Tatum  
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WILLIAM R. TATUM